

STATE OF NEW YORK
PUBLIC SERVICE COMMISSION

CASE 16-M-0330 - Petition of CTIA - The Wireless Association
for the Commission to Update and Clarify
Wireless Pole Attachment Protections.

NOTICE SEEKING COMMENTS

(Issued November 12, 2019)

On March 14, 2019, the Commission issued an order¹ (Wireless Attachment order) approving, in part, a petition by the CTIA - The Wireless Association, that: (1) established an interim pole attachment rate for wireless attachments; (2) established timelines with respect to the processing of pole attachment applications and make-ready work; and, (3) extended the Commission's existing dispute resolution process to wireless attachment applications. The Wireless Attachment Order also continued the proceeding to create a record so that further consideration be given to enhancements applicable to both wireline and wireless pole attachment policies. Accordingly, a Scoping Conference was held on September 26, 2019, where interested persons discussed a variety of issues related to: improving the make-ready application, survey and construction processes, including "one touch make-ready"; revisions to attachment terms for large-scale projects; issues related to accommodating the attachment of new technologies; pole attachment rate methodology; and, options for this proceeding to efficiently move forward.

¹ Case 16-M-0330, Petition of CTIA - The Wireless Association to Update and Clarify Wireless Pole Attachment Protections, Order Approving Petition in Part and Continuing Proceeding (issued March 14, 2019).

The initial phase of this proceeding focused on establishing a framework for the attachment of wireless facilities to utility poles in a business-as-usual setting. However, large-scale pole attachment activity across New York State over the last few years has shown that existing application, make-ready and construction timelines and processes are inefficient. Therefore, a new approach is needed to accommodate the immediate and rapid deployment of new technologies. The goal for this phase of the proceeding must focus on facilitating the pole attachment process while maintaining high standards for safety and reliability and the accommodation of resource concerns of pole owners and operators.

PLEASE TAKE NOTICE that comments are being sought on the attached list of issues discussed at the Scoping Conference, that were found to require immediate attention to facilitate the rapid deployment of advanced technologies on utility poles anticipated in the near future. Initial comments should be submitted by December 13, 2019, and reply comments by January 13, 2020.

Comments should refer to Case 16-M-0330, and be submitted to the Secretary by e-filing through the Department's Document and Matter Management System (DMM),² or by e-mail to the Secretary at secretary@dps.ny.gov. Those unable to file electronically may mail or deliver their comments to the Hon. Michelle L. Phillips, Acting Secretary, New York State Public Service Commission, Three Empire State Plaza, Albany, New York, 12223-1350. All documents submitted to the Secretary will be posted on the Department's website and become part of the official case record.

² How to Register with DMM, <http://www.dps.ny.gov/e-file/registration.html>.

Information and instructions related to subscribing to the service list, or otherwise monitoring the status of this case is available on the Department's website at:

<http://documents.dps.ny.gov/public/MatterManagement/RequestAPStatus.aspx>.

If you have any questions, For please contact Michael Rowley at (212) 417-2175 or Michael.Rowley@dps.ny.gov.

(SIGNED)

MICHELLE L. PHILLIPS
Acting Secretary

ISSUES FOR COMMENT

1. New technologies and attachment methods

- Pole-top, mid-span, streetlight attachments (timelines, occupancy, clearance/safety concerns)
- Use of "Boxing" and temporary attachments
- Safety and engineering concerns (criteria for restricting attachment, review of new configurations/ impact on timelines, avoiding power interruptions)
- Storm hardening and disaster recovery issues
- Application of rates (space occupancy, minimum space requirements, etc.)
- Power delivery issues (payment policy, meter installation and rate issues, timelines, etc.)

2. Accommodating large-scale projects in non-business as usual (non-BAU) construction environment.

- Definition, application standards (max. number of poles/attachments per pole, applications per month)
- Pre-construction coordination
- Tracking mechanisms
- Improved notice of facilities movements

3. Pole application and make-ready process

- Improving application approval timeline (reducing delays, improving escalation, dispute resolution process, conflicts with municipal timelines)
- Expanding use of qualified contractors (qualification criteria, improved/access by attachers, indemnity)
- Incorporating advanced ride-out technologies

4. Feasibility of One-Touch-Make-Ready (OTMR)